

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JONATHAN D. SMITH-EL,

Petitioner,

v.

STATE OF MISSOURI,

Respondent.

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No. 4:17CV778 HEA

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the petition of Jonathan Smith-El to expunge his state court conviction for unlawful possession of a firearm, unlawful use of drug paraphernalia, and possession of marijuana, *Missouri v. Smith*, No. 1222-CR00955-01 (City of St. Louis). The petition is denied for lack of jurisdiction.

Standard of Review

Pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure, courts are required to review cases to determine whether subject matter jurisdiction exists and to dismiss cases in which it is lacking. “The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States and is inflexible and without exception.” *Kessler v. Nat’l Enterprises, Inc.*, 347 F.3d 1076, 1081 (8th Cir. 2003) (quotation marks omitted); *see Kuhl v. Hampton*, 451 F.2d 340, 342 (8th Cir. 1971) (federal courts “were not established to mediate any and all types of complaints and alleged wrongs.”).

Discussion

The federal courts have limited jurisdiction to expunge criminal records. *See United States v. Meyer*, 439 F.3d 855, 859 (8th Cir. 2006). In order for jurisdiction to exist in an

expungement case, there must be express statutory authority from Congress. *Id.* In this case, petitioner has not cited any statutory authority for the relief he seeks.


The Court ordered petitioner to show cause why this action should not be dismissed for lack of jurisdiction. Petitioner has responded. However, he has not shown that this Court has jurisdiction to grant the requested relief. As a result, this action must be dismissed.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed forthwith.

Dated this 13th day of March, 2017

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in black ink. The signature is positioned above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE